

**IC 26-4**

**ARTICLE 4. GRAIN INDEMNITY PROGRAM**

**IC 26-4-1**

Chapter 1. Applicability and Definitions

**IC 26-4-1-1**

**Applicability of law**

Sec. 1. This article applies to a grain buyer (as defined in section 14 of this chapter).

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-2**

**Applicability of definitions**

Sec. 2. The definitions in this chapter apply throughout this article.

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-3**

**"Agency"**

Sec. 3. "Agency" refers to the Indiana grain buyers and warehouse licensing agency established under IC 26-3-7.

*As added by P.L.250-1995, SEC.1. Amended by P.L.125-1997, SEC.56.*

**IC 26-4-1-4**

**"Board"**

Sec. 4. "Board" means the governing body of the Indiana grain indemnity corporation created by IC 26-4-3-2.

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-5**

**"Claimant"**

Sec. 5. "Claimant" means a producer that is a participant in the grain indemnity program and satisfies any of the following conditions:

(1) Possesses written evidence of ownership of grain, including, but not limited to:

- (A) warehouse receipts;
- (B) scale tickets;
- (C) settlement sheets; and
- (D) ledger cards;

that disclose a storage obligation of a licensed warehouseman that has failed.

(2) Has surrendered warehouse receipts as part of a sale of grain with a licensed warehouseman who failed not more than twenty-one (21) days after the surrender of the receipts and the person surrendering the warehouse receipts was not fully paid for the grain.

(3) Possesses written evidence of the delivery and sale of grain

or transfer of deferred pricing grain to a failed Indiana grain buyer or licensed warehouseman, including, but not limited to:

- (A) scale tickets;
- (B) settlement sheets;
- (C) deferred pricing contracts;
- (D) basis contracts; or
- (E) similar grain delivery contracts;

but did not get fully paid for the sale or transfer.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-6**

##### **"Cooperative agreement"**

Sec. 6. "Cooperative agreement" means an agreement made by the board as may be reasonable and proper to carry out the provisions of this article.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-7**

##### **"Corporation"**

Sec. 7. "Corporation" means the Indiana grain indemnity corporation established by IC 26-4-3-1.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-8**

##### **"Deferred pricing"**

Sec. 8. "Deferred pricing" means a purchase by a buyer where title to the grain passes to the buyer, in which the actual dollar price to be paid to the seller is not to be determined at the time the grain is received by the buyer or within ten (10) days of that receipt.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-9**

##### **"Director"**

Sec. 9. "Director" means the director of the agency (as defined in section 3 of this chapter).

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-10**

##### **"Failed" or "failure"**

Sec. 10. "Failed" or "failure" means any of the following:

- (1) An inability to satisfy a claimant in accordance with applicable statutes or rules and the time limits provided in the statutes or rules.
- (2) A declaration of insolvency.
- (3) A failure to pay claimants in the ordinary course of business where a bona fide dispute does not exist between a grain buyer and a customer.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-11**

**"Financial loss"**

Sec. 11. "Financial loss" means a loss resulting from a producer not being fully paid for grain that has been delivered and sold to a grain buyer, net of any outstanding charges against the grain.

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-12**

**"Fund"**

Sec. 12. "Fund" means the Indiana grain indemnity fund established under IC 26-4-4-1.

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-13**

**"Grain"**

Sec. 13. "Grain" means corn for all uses, popcorn, wheat, oats, rye, soybeans, barley, sorghum, oil seeds, other agricultural commodities as approved by the agency, and seed (as defined in IC 26-3-7-2(20)). The term does not include canning crops for processing, sweet corn, or flint corn.

*As added by P.L.250-1995, SEC.1. Amended by P.L.173-1999, SEC.15.*

**IC 26-4-1-14**

**"Grain buyer"**

Sec. 14. (a) "Grain buyer" means a person who is engaged in Indiana in the business of buying grain from producers.

(b) The term does not include a buyer of grain who buys less than fifty thousand (50,000) bushels of grain annually for the buyer's own use as seed or feed.

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-15**

**"Grain indemnity program"**

Sec. 15. "Grain indemnity program" means the system created by this article to have the board pay money out of the fund to producers having losses due to a failure.

*As added by P.L.250-1995, SEC.1.*

**IC 26-4-1-16**

**"Participant in the grain indemnity program"**

Sec. 16. "Participant in the grain indemnity program" means a producer who has never requested a refund under IC 26-4-5-1, or has reentered the program under IC 26-4-5-2.

*As added by P.L.250-1995, SEC.1. Amended by P.L.268-2001, SEC.1.*

**IC 26-4-1-17**

**"Person"**

Sec. 17. "Person" means a natural person, partnership, firm, association, corporation, limited liability company, or other business

organization.  
*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-18**

##### **"Producer"**

Sec. 18. "Producer" means an owner of land, a tenant on land, or an operator of a farm that has an interest in and receives all or any part of the proceeds from the sale in Indiana of the grain produced.  
*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-19**

##### **"Producer premium"**

Sec. 19. "Producer premium" means the amount of money charged to and collected from a producer under IC 26-4-4-4 that qualifies the producer to be a part of the grain indemnity program.  
*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-19.5**

##### **"Seed"**

Sec. 19.5. "Seed", notwithstanding IC 15-4-1, means grain set apart to be used primarily for the purpose of producing new plants.  
*As added by P.L.173-1999, SEC.16.*

#### **IC 26-4-1-20**

##### **"Storage loss"**

Sec. 20. "Storage loss" means a loss to a storage depositor resulting from a failed warehouseman not fully satisfying the warehouseman's storage obligation to the depositor, net of any outstanding charges against the grain.  
*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-21**

##### **"United States Warehouse Act"**

Sec. 21. "United States Warehouse Act" means the United States Warehouse Act, enacted August 11, 1916, as amended.  
*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-22**

##### **"Valid claim"**

Sec. 22. "Valid claim" means a claim arising from a failure of a registered grain buyer or warehouseman, licensed under IC 26-3-7, that occurs after July 1, 1996, and adjudicated valid by the agency and approved by the board, less all credits and offsets.  
*As added by P.L.250-1995, SEC.1. Amended by P.L.173-1999, SEC.17.*

#### **IC 26-4-1-23**

##### **"Warehouse"**

Sec. 23. "Warehouse" means:  
(1) any building or buildings or other protected enclosures in

one (1) general location licensed under IC 26-3-7 in which grain:

(A) may be stored for hire; or

(B) is used for grain bank storage; and

that is operated under one (1) ownership and run from a single office; or

(2) any facility licensed under the United States Warehouse Act.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-24**

##### **"Warehouseman"**

Sec. 24. "Warehouseman" means a person engaged in the business of operating a warehouse for storing, shipping, or handling grain for hire that holds a valid warehouseman's license under IC 26-3-7 or the United States Warehouse Act.

*As added by P.L.250-1995, SEC.1.*

#### **IC 26-4-1-25**

##### **"Warehouse receipt"**

Sec. 25. "Warehouse receipt" means any of the following:

(1) A warehouse receipt issued under the Public Grain Warehouse and Warehouse Receipts Act in accordance with the Uniform Commercial Code.

(2) A warehouse receipt issued under IC 26-3-7.

(3) A warehouse receipt issued under the United States Warehouse Act.

*As added by P.L.250-1995, SEC.1.*